
NEVADA CITY COUNCIL - MONDAY, SEPTEMBER 26, 2022 6:00 P.M.

1. CALL TO ORDER

The City Council of the City of Nevada, Iowa, met for a meeting in the Council Chambers of Nevada City Hall located at 1209 6th Street, Nevada, Iowa. Mayor Brett Barker, convened the meeting at 6:02 p.m. on Monday, September 26, 2022, pursuant to the rules of the Council. The agenda was posted on the official bulletin board in compliance with the open meeting law.

2. ROLL CALL

The roll was called indicating the following named Council Members present and absent. Present: Brian Hanson, Dane Nealson, Jason Sampson, Steve Skaggs, Sandy Ehrig. Absent: Barb Mittman. Barb Mittman arrived at 6:04 p.m.

Staff Present: Erin Clanton, Jordan Cook, Kerin Wright, Erin Mousel, Shawn Ludwig, Harold See, Tim Hansen, Andrew Henderson, Ryan Hutton, Ray Reynolds, Erin Coughlin

Also in attendance were: Brenda Dryer, Chris Aalsburg, Melissa Sly, Dave Sly, Doug Anderson, Renae Rudkin, Jason Rudkin, Lance Lindemann, Jen Maxfield

3. APPROVAL OF AGENDA

Motion by Dane Nealson, seconded by Jason Sampson, to **approve the agenda**. After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Skaggs, Ehrig, Hanson. Nay: None. The Mayor declared the motion carried.

4. PUBLIC HEARING(S)

- A. Proposal to Amend City Code for Bee Keeping
1. Public Hearing:

At 6:03 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 15, 2022**. The public hearing is **concerning an amendment to Chapter 55 of the City Code of Ordinances**. Barb Mittman arrived at 6:04 p.m.

Lance Lindemann recommended eliminating the requirement to have a water source, due to the proximity of the creek, in addition, he requested taking out the requirement of a six foot fence. There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:05 p.m.

2. Ordinance No. 1034 (2022/2023): An Ordinance Amending Chapter 55 of the City Code of Ordinances of Nevada, Iowa, 2022, to Allow the Keeping of Bees in the City, first reading

Motion by Jason Sampson, seconded by Steve Skaggs, to **approve Ordinance No. 1034 (2022/2023), first reading**. Following discussion, amended motion by Jason Sampson, seconded by Steve Skaggs, to **approve striking items 4 and 5 from the**

Ordinance. After due consideration and discussion the roll was called. Aye: Sampson, Skaggs, Ehrig, Hanson, Mittman, Neelson. Nay: None. The Mayor declared the amended motion carried.

- B. Proposal to add Chapter 159 Vacant Property
 - 1. Public Hearing

At 6:07 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 15, 2022**. The public hearing is **regarding the addition of Chapter 159 Vacant Property to the City Code of Ordinances.**

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:07 p.m.

- 2. Ordinance No. 1035 (2022/2023): An Ordinance Amending the Code of Ordinances of the City of Nevada, Iowa, 2005, by Adding Chapter 159, Vacant Property, to Establish a Vacant Property Code Registration and Maintenance Program, first reading

Motion by Barb Mittman, seconded by Brian Hanson, to **approve Ordinance No. 1035 (2022/2023), first reading.** After due consideration and discussion the roll was called. Aye: Mittman, Hanson, Neelson, Sampson, Skaggs, Ehrig. Nay: None. The Mayor declared the motion carried.

- 5. Approval of CONSENT AGENDA (Any item on the Consent Agenda may be removed for separate consideration.)

Motion by Jason Sampson, seconded by Sandy Ehrig, to **approve the following consent agenda items:**

- A. Approve Minutes of the Regular Meeting held on September 12, 2022
- B. Approve Payment of Cash Disbursements, including Check Numbers 78546-78636 and Electronic Numbers 1182-1190 (Inclusive) Totaling \$3,877,151.89 (See attached list)
- C. Approve Financial Reports for Month of August, 2022

After due consideration and discussion the roll was called. Aye: Sampson, Ehrig, Hanson, Mittman, Neelson, Skaggs. Nay: None. The Mayor declared the motion carried.

- 6. PUBLIC FORUM

- A. Mayor Barker proclaimed October as Watershed Awareness Month, and urged citizens to recognize the importance of the watershed in which they live.

- 7. OLD BUSINESS

- A. Ordinance No. 1029 (2022/2023): An Ordinance Amending the Zoning Map of the City of Nevada, Iowa, by Rezoning the Property at 640 South 19th Street Outlot A from AR (Agricultural-Residential Reserve District) to R-4 (Multiple Family Dwelling District), third and final reading

Motion by Dane Neelson, seconded by Jason Sampson, to **approve Ordinance No. 1029 (2022/2023), third and final reading.** After due consideration and discussion the

roll was called. Aye: Nealson, Sampson, Skaggs, Ehrig, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

- B. Ordinance No. 1030 (2022/2023): An Ordinance Amending the Code of Ordinances of the City of Nevada Iowa, 2006, by Amending Provisions Pertaining to Sewer User charges, Chapter 99, third and final reading

Motion by Steve Skaggs, seconded by Sandy Ehrig, to **approve Ordinance No. 1030 (2022/2023), third and final reading.** After due consideration and discussion the roll was called. Aye: Skaggs, Ehrig, Hanson, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

- C. Ordinance No. 1031 (2022/2023): An Ordinance regarding proposed Modified Chapter 77, pertaining to Golf Carts, second reading

Motion by Jason Sampson, seconded by Brian Hanson, to **approve amended Ordinance No. 1031 (2022/2023), second reading.** After due consideration and discussion the roll was called. Aye: Sampson, Hanson, Mittman, Nealson, Skaggs, Ehrig. Nay: None. The Mayor declared the motion carried.

Motion by Steve Skaggs, seconded by Brian Hanson, to **approve Ordinance No. 1031 (2022/2023), waiving third and final reading.** After due consideration and discussion the roll was called. Aye: Skaggs, Hanson, Mittman, Nealson, Sampson, Ehrig. Nay: None. The Mayor declared the motion carried.

- D. Ordinance No. 1032 (2022/2023): An Ordinance regarding proposed New Chapter 78, pertaining to ATV/UTV, second reading

Motion by Jason Sampson, seconded by Dane Nealson, to **approve Ordinance No. 1032 (2022/2023), second reading.** After due consideration and discussion the roll was called. Aye: Sampson, Nealson, Skaggs, Ehrig, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

Motion by Jason Sampson, seconded by Dane Nealson, to **approve amended Ordinance No. 1032 (2022/2023), waiving third and final reading.** After due consideration and discussion the roll was called. Aye: Sampson, Nealson, Skaggs, Ehrig, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

- E. Ordinance No. 1033 (2022/2023): An Ordinance amending Chapter 69, No parking, funeral parking, second reading

Motion by Dane Nealson, seconded by Sandy Ehrig, to **approve Ordinance No. 1033 (2022/2023), second reading.** After due consideration and discussion the roll was called. Aye: Nealson, Ehrig, Hanson, Mittman, Sampson, Skaggs. Nay: None. The Mayor declared the motion carried.

Motion by Brian Hanson, seconded by Steve Skaggs, to **approve Ordinance No. 1033 (2022/2023), waiving third and final reading.** After due consideration and discussion the roll was called. Aye: Hanson, Skaggs, Ehrig, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

8. NEW BUSINESS

- A. Approve New Class “C” Liquor License for Melissa Sly d/b/a/ Camelot Theater Foundation, 1114 6th Street, Effective September 19, 2022

Motion by Dane Neelson, seconded by Sandy Ehrig, to **approve Class “C” Liquor License for Camelot Theater Foundation.** After due consideration and discussion the roll was called. Aye: Neelson, Ehrig, Hanson, Mittman, Sampson, Skaggs. Nay: None. The Mayor declared the motion carried.

- B. Presentation and Request for Funding on behalf of the Camelot Theater Foundation and Appropriate Follow-Up.

Motion by Dane Neelson, seconded by Sandy Ehrig, to **approve funding request from Camelot Theater in the amount of \$30,000 per year for four years.** After due consideration and discussion the roll was called. Aye: Neelson, Ehrig, Hanson, Mittman, Sampson. Nay: None. Abstain: Steve Skaggs. The Mayor declared the motion carried.

9. Discussion and Appropriate Follow up Regarding Dangerous Building, 536 4th Street

Director of Fire & EMS Reynolds, P&Z Official Hutton, and property owner Todd MacVey all met at the 536 4th Street residence. Each reported on the meeting.

10. **CLOSED SESSION:** Closed Session pursuant to authority found in Iowa Code 21.5 (1) (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Motion by Dane Neelson, seconded by Jason Sampson, to **approve to go INTO Closed Session.** After due consideration and discussion the roll was called. Aye: Neelson, Sampson, Skaggs, Ehrig, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

Motion by Brian Hanson, seconded by Jason Sampson, to **approve to go OUT OF Closed Session.** After due consideration and discussion the roll was called. Aye: Hanson, Sampson, Skaggs, Ehrig, Mittman, Neelson. Nay: None. The Mayor declared the motion carried.

11. Discussion and appropriate follow-up on Closed Session pursuant to authority found in Iowa Code 21.5 (1) (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Motion by Brian Hanson, seconded by Steve Skaggs, to **approve City Attorney Clanton sending a revised order in accordance with terms discussed in Closed Session.** After due consideration and discussion the roll was called. Aye: Hanson,

Skaggs, Ehrig, Mittman, Nealon, Sampson. Nay: None. The Mayor declared the motion carried.

12. ADJOURNMENT

There being no further business to come before the meeting, motion by Jason Sampson, seconded by Dane Nealon, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 8:25 p.m. the meeting adjourned.

Brett Barker, Mayor

ATTEST:

Kerin Wright, City Clerk

Published: _____

Council Approved: _____